

REMARKS/ARGUMENTS

The claims stand rejected under 35 U.S.C. § 103 as obvious over a combination of John Henry-Labordere, Frangione et al and Robinson et al. For the reasons set forth below, it is submitted that the claimed subject matter is not obvious within the meaning of 35 U.S.C. § 103, and it is requested that the Examiner reconsider and withdraw the rejections.

In the claimed invention, both the short message to be delivered and the parameters or data required for delivery are stored in the short message service center in the sending network. In those cases where the short message is not delivered successfully, such stored message and delivery parameters are retrieved from the short message service center and the address of the relevant HLR stored therein is then interrogated directly without the need to conduct a search. Once the message has been delivered successfully, then the message and delivery parameters are erased from the SMSC. This reduces the load on the network and speeds up delivery because there is no need to store a large number of subscriber addresses.

Henry-Labordere, on the other hand, goes in a very different direction by providing a large cache memory of all subscribers which is used to locate the HLR and send a message once a first message has been sent and the memory is thereby populated with the subscriber's delivery information. Therefore, logic would dictate to one skilled in the art that if a message is resent, the large cache memory would be interrogated because that's exactly where the delivery data for that subscriber would be held. It would be illogical to store the delivery data in the SMSC given the existence of the large cache memory, and one skilled in the art would not view Frangione et al as a logical or suitable modification of Henry-Labordere for resent messages. Henry-Labordere teaches away from holding the message and delivery parameters in an SMSC because that is exactly why the large cache memory is developed, namely, to provide the mechanism for sending all subsequent messages to a particular subscriber, which logically would include the resending of messages that were not successfully delivered the first time.

Given the fact that Henry-Labordere teaches away from the concept of temporarily storing in an SMSC the message and delivery parameters would provide a disincentive to one skilled in the art to utilize the SMSC to store a message for resending as disclosed by Frangione et al.

Each of the independent claims has been amended to specify that the delivery parameters or data are stored in an additional HLR address field in the SMSC (see

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paragraph 15). Thus, an additional storage space is added to the Short Message Handler and the mailing address of the HLR is stored in this new storage field and erased from this field when the short message is successfully delivered. Robinson discloses a conventional short message handling system and fails to disclose such an additional storage field to be filled with the HLR address and erased after the HLR address is no longer necessary.

For the reasons set forth above, and in particular because of the fact that Henry-Labordere teaches away from utilizing the SMSC to store the message and delivery data for resending, it is submitted that the claimed subject matter would not be obvious to one skilled in the art.

Although it is believed that the application is now in condition for allowance, if the Examiner believes that further issues remain, it is requested that he telephone the undersigned at 260-460-1692.

In the event Applicants have overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: October 17, 2007

JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature

October 17, 2007

Date